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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 United States of America, ) No. 13-1775M  
10 Plaintiff, ) **ORDER OF DETENTION**  
11 vs. )  
12 )  
13 Gustavo Garcia-Siqueiros, )  
14 Defendant. )  
15

16 In accordance with Title 18 U.S.C. § 3142 of the Bail Reform Act, a detention hearing  
17 was held in the above-captioned matter. The Court finds that the Government has  
18 established: (Check one or both, as applicable)

19 ☐ by clear and convincing evidence, Defendant is a danger to the community and shall be  
20 detained pending trial.  
21

22 ☐ by a preponderance of the evidence, Defendant is a serious flight risk and shall be  
23 detained pending trial.  
24

24 **PART I -- FINDINGS OF FACT**

25 ☐ (1) There is probable cause to believe that Defendant has committed the following:  
26 ☒ an offense for which a maximum term of imprisonment of ten years or more is  
27 prescribed in 21 U.S.C. §§ 952, 960, and 841(a)(1).  
28

☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332(b).

☐ an offense listed in 18 U.S.C. § 2332b(g)(5)(B) (crimes of terrorism) for which a maximum term of imprisonment of ten years or more is prescribed.

☐ an offense involving a minor victim prescribed in \_\_\_\_\_.

☒ (2) Defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure Defendant's appearance as required at future court proceedings and the safety of the community.

**Alternative Findings**

☐ (1) There is a serious risk that Defendant will flee and no condition or combination of conditions will reasonably assure Defendant's appearance as required at future court proceedings.

☐ (2) No condition or combination of conditions will reasonably assure the safety of the community or others if Defendant were released from detention.

☐ (3) There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror).

☐ (4) \_\_\_\_\_

**PART II -- WRITTEN STATEMENT OF REASONS FOR DETENTION**

(Check one or both, as applicable)

☐ (1) The Court finds that credible testimony and information submitted at the hearing establish by clear and convincing evidence as to danger that:

1 ☒ (2) The Court finds by a preponderance of the evidence as to risk of flight that:

2 ☐ Defendant has no significant contacts in the District of Arizona;

3 ☐ Defendant has no resources in the United States from which he/she might  
4 make a bond reasonably calculated to assure his/her future appearance;

5 ☒ Defendant has a prior criminal history, which includes three prior felony  
6 convictions (Theft, Transporting or Attempting to Transport Marijuana for Sale,  
7 and Possession of a Controlled Substance);

8 ☒ Defendant has a record of failure(s) to appear in court as ordered, e.g.,  
9 absconding from parole in 2005 and Violation of Promise to Appear in 2006;

10 ☐ Defendant attempted to evade law enforcement contact by fleeing from law  
11 enforcement;

12 ☐ Defendant is facing a minimum mandatory of 20 years incarceration and  
13 a maximum of life if the Government alleges the prior drug trafficking offense and  
14 Defendant convicted;

15 ☐ Defendant does not dispute the information contained in the Pretrial Services Report,  
16 and all supplements, if any, except:

17  
18  
19 ☒ In addition:

20 1. Defendant has been unemployed since April 2013; 2. Defendant has a long-time,  
21 significant illicit drug history and has admitted, *inter alia*, "using methamphetamine  
22 every four days at age of 45, and last used the drug three days ago."

23  
24 The Court incorporates by reference the findings of the Pretrial Services report and  
25 all supplements, if any, which were reviewed by the Court at or before the time of the  
26 hearing in this matter.

27 **PART III -- DIRECTIONS REGARDING DETENTION**

